Decision No. <u>43371</u>

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of PORT SAN LUIS TRANSPORTATION CO. to abandon its narrow gauge railroad line from Port San Luis to the City of San Luis Obispo in the County of San Louis Obispo, and for certificate of public convenience and necessity to operate truck line in substitution for the rail service.

) Application No. 25292.

ORDER REVOKING OPERATIVE RIGHT

It appearing that Decision No. 35910, of October 30, 1942 (as amended), in Application No. 25292, among other things authorized Port San Luis Transportation Co., a corporation, to operate as a highway common carrier, as defined in Section 2-3/4 of the Public Utilities Act, between San Luis Obispo and Port San Luis and intermediate points as more specifically defined and restricted therein; and it further appearing from recent investigations by the Commission's staff that none of said transportation services has ever been performed by applicant, and that it maintains no equipment or facilities to provide such highway common carrier services; and it further appearing that the said carrier's Annual Reports rendered to this Commission for the calendar years 1943 to 1947, inclusive, do not reflect any highway common carrier operations pursuant to the above-named authorization, the said carrier being delinquent as to the filing of such Annual Report for 1948; and it further appearing that said carrier's quarterly reports to this Commission, show no gross operating revenues assessable under the provisions of the Transportation Rate Fund Act of California subsequent to

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September 30, 1943, and that no payments of the kind have been made since that date excepting only the so-called minimum quarterly fee of \$1.00; and it further appearing that no application has been made to this Commission for suspension of any of the operations as above authorized and none has been granted by this Commission,

Therefore, good cause appearing, it is found that the said Port San Luis Transportation Co., a corporation, has not been and is not now conducting the highway common carrier transportation services hereinbefore referred to and described, and without either application for, or the granting of, any suspension of any portion of the aforesaid operative right by this Commission, thereby resulting in abandonment of all of the said operative right.

IT IS ORDERED that the above-mentioned entire operative right of Port.San Luis Transportation Co., a corporation, to, from, or between the several points and territories as aforesaid be and the same is hereby revoked and all effective tariffs and schedules on file with this Commission are hereby cancelled and annulled.

IT IS FURTHER ORDERED that the effective date of this order shall be the twentieth day after service thereof in the manner provided by law, unless the said Port San Luis Transportation Co., or its duly authorized representative, before such effective date, shall have filed with the Commission a written response to this order, denying the statements set forth herein and requesting a public hearing thereon, in which event the effective date of this order shall be stayed until hearing is had and further order is issued.

Dated at <u>San Juan curco</u>, California, this

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October 4 th day of 1949.

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Commissioners